



Docket No.: S1237.70011US00  
(PATENT)

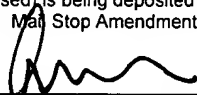
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth Walsh  
Serial No.: 09/408,905  
Confirmation No.: 4597  
Filed: September 29, 1999  
For: AKT COMPOSITIONS FOR ENHANCING SURVIVAL OF CELLS  
Examiner: B. J. Fetterolf  
Art Unit: 1642

**Certificate of Mailing Under 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 13, 2006

  
Alan W. Steele, M.D., Ph.D., Registration No. 45,128

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 2, 2006, Applicant hereby provisionally elects Group I, claims 1-3, 5, and 39-50 for continued examination, and further elects the following species: NA: SEQ ID NO:1 and AA: SEQ ID NO:2. This election is made with traverse.

**Remarks**

Claims 1-3, 5, and 39-58 are pending. The Examiner has required restriction between:

Group I - Claims 1-3, 5 and 39-50, as specifically drawn to a method of treating myocardial infarction comprising administering to a subject in need of such treatment an Akt nucleic acid in an amount effective to inhibit cardiac tissue necrosis in a subject; further, the